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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,165	09/04/2001	Miika Silfverberg	004770.00018	9859

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EXAMINER
SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
2673	11

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,165	SILFVERBERG ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10,12-17,19 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10,12-17,19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim ***Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 3-8, 10, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Patent No. 6,570,583 B1) in view of Williams et al. (US Patent No. 5,542,138).

As to claim 1, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen on the front of the device (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control, wherein the first user input control detects direction of first user input (See Fig, 8, item 69, in description See Col. 4, Lines 50-54); and a second user input control, wherein the second user input control detects a direction of second user input (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received

user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show first and second input controls are located on a back of the device.

Williams et al. teaches the control module with input controls located on a back of the control module (See Fig. 3, items 40,74, in description See Col. 3, Lines 34-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the control module as shown by Williams et al. in the Kung et al. apparatus in order to allow entry of patient data into the control module which can subsequently be viewed on the display (See Col. 2, Lines 9-11 in the Williams et al. reference).

As to claim 10, Kung et al. teaches a method for manipulating content displayed on a display screen of a hand held device and wherein the display screen is located on the front of the device (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35), comprising the steps of: when user input is received through the first user input control capable of detecting a direction of user input, panning content on a display screen in a direction responsive to the detected direction of the first user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and when user input is received through the second user input control capable of detecting a direction of user input, content on the display screen is zoomed in or out responsive to the detected direction of the second user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4,

Lines 40-54 and Col. 5, Lines 1-17), wherein first and second user input controls are located on the device (See Fig. 8, items 68-69, in description See Col. 4, Lines 40-42).

Kung et al. does not show first and second input controls are located on a back of the device.

Williams et al. teaches the control module with input controls located on a back of the control module (See Fig. 3, items 40,74, in description See Col. 3, Lines 34-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the control module as shown by Williams et al. in the Kung et al. method in order to allow entry of patient data into the control module which can subsequently be viewed on the display (See Col. 2, Lines 9-11 in the Williams et al. reference).

As to claims 3-7, 12-16 Kung et al. teaches controls comprising a touch pad, a trackball, a roller wheel, a joystick and a keypad button (See Fig. 8, items 64, 68-69, in description See Col. 4, Lines 40-54).

As to claims 8,17 Kung et al. does not show the first and second controls are each located in position that, when a user is holding the device with both hands on either side of the display screen, enables the user to manipulate one control with the user's right hand and one control with the user's left hand.

Williams et al. teaches the control module with input controls located on a back of the control module (See Fig. 3, items 40,74, in description See Col. 3, Lines 34-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the control module as shown by Williams et al. in the Kung et al. apparatus such way the first and second controls are each located in position that,

when a user is holding the device with both hands on either side of the display screen, enables the user to manipulate one control with the user's right hand and one control with the user's left hand in order to allow entry of patient data into the control module which can subsequently be viewed on the display (See Col. 2, Lines 9-11 in the Williams et al. reference).

2. Claim 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. in view of Conway et al. (US Patent No. 5,278,779) and further in view of Wang (US Patent No. 5,771,038).

As to claim 19, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen on a front side of the housing (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control on the housing (See Fig, 8, item 69, in description See Col. 4, Lines 50-54): and a second user input control on the housing (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show and the first and second user input controls are located on a back of the device.

Conway et al. teaches the control module with input controls located on a back of the control module (See Fig. 2A, items 22A-22B, in description See from Col. 2, Line 62 to Col. 3, Line5 and Col. 3, Lines 57-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the control module as shown by Conway et al. in the Kung et al. apparatus in order to user to place the thumb and fingers of each hand on the right and left hand portions of the keyboard… (See Col. 2, Lines 62-65 in the Conway et al. reference).

Kung et al. and Conway et al. do not show first and second user input control as touch pads.

Wang teaches two touch panels on the mouse implementing different functions (See Fig. 13, items 122-123, in description See Col. 7, Lines 18-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input controls using touch panels as shown by Wang in the Kung et al. and Conway et al apparatus in order to user to quickly change the size of text and icons on the display.

As to claim 21, Kung et al., teaches horizontal panning is in the same direction as the received horizontal component of the first received user input, and wherein vertical panning is in a same direction as received vertical component of the first received user input, thereby allowing the user to interact with the display as if user is moving a displayed document with the user finger (See Figs. 8-9, item 69, in description See Col. 4, Lines 48-54).

As to claim 22, as best understood by examiner, Kung et al. teaches a hand held device, comprising a housing (See Figs. 3,11, items 30,50, in description See Col. 5, Lines 8-90; a display screen on a front side of the housing (See Figs. 8,11, items 50-51, 54, in description See Col. 4, Lines 30-35); a first input control on the housing (See Fig, 8, item 69, in description See Col. 4, Lines 50-54): and a second user input control on the housing (See Fig, 8, item 68, in description See Col. 4, Lines 40-47); wherein, when user input is received through the first user input control, content on the display screen is panned in direction responsive to the detected direction of the first received user input (See Fig. 8,10, items 54,69, in description See Col. 4, Lines 55-67), and wherein , when user input is received through the second user input control, content on the display screen is zoomed in or out responsive to the detected direction of the second received user input (See Fig, 8,10-12, items 50-54,68, in description See Col. 4, Lines 40-54 and Col. 5, Lines 1-17).

Kung et al. does not show and the first and second user input controls are located on a back of the device in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user.

Conway et al. teaches the control module with input controls located on a back of the control module in such a position that when a user is holding the device with both hands on either side of the display screen, thumbs to front and four fingers to back, the user can manipulate the first input device with one or more of the four fingers of a first hand of the user (See Fig. 2A, items 22A-22B, in description See from Col. 2, Line 62 to Col. 3, Line5 and Col. 3, Lines 57-60 and from Col. 1, Line 62 to Col. 2, Line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input control on a back of the control module as shown by Conway et al. in the Kung et al. apparatus in order to user to place the thumb and fingers of each hand on the right and left hand portions of the keyboard... (See Col. 2, Lines 62-65 in the Conway et al. reference).

Kung et al. and Conway et al. do not show first and second user input control as touch pads.

Wang teaches two touch panels on the mouse implementing different functions (See Fig. 13, items 122-123, in description See Col. 7, Lines 18-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement user input controls using touch panels as shown by Wang in the Kung et al. and Conway et al apparatus in order to user to quickly change the size of text and icons on the display.

Response to Amendment

3. Applicant's arguments filed 08-29-03 have been fully considered but they are not persuasive.

On page 7, 2nd paragraph of the Remarks, in relation to claims 1,8, 10 and 17 Applicant's stated that in order to reject claim as obvious three criteria must exist. In fourth and fifth paragraphs on the same page Applicant's agreed that that all limitations will be met if Williams remote control must be opened in order to expose the controls (criteria 2-3). However, in order

to operate cover (display panel) must be open, allow to use input devices (See Fig. 3, items 40, 74 and 70, in description See Col. 3, Lines 34-49 in the Williams reference).

On the same page, last paragraph and in the first paragraph of page 8, Applicant's stated that the Office Action does not provide any suggestion or motivation to combine two references. However, motivation to combine two references (criteria 3) could be found in both references (See Col. 2, Lines 17-18 in Kung reference and Col. 2, Lines 9-11 in Williams et al. reference). Also, See page 3 of the Final Rejection.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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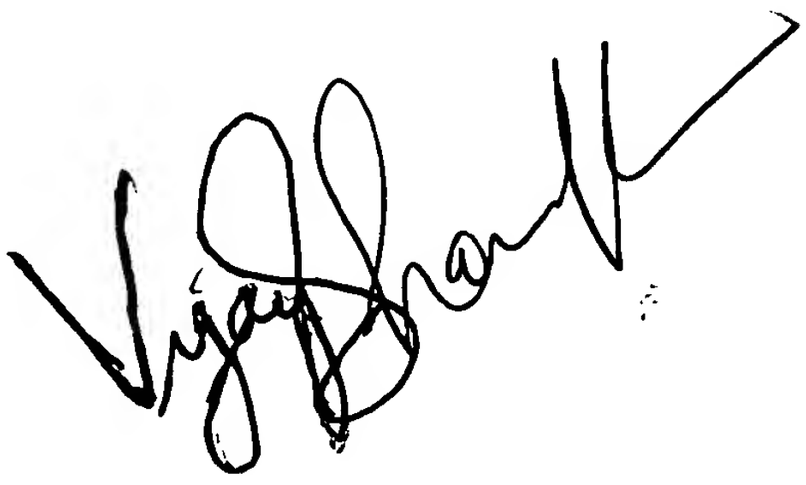

VIJAY SHANKAR
PRIMARY EXAMINER